

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., INC.,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

C.A. No. 06-310-GMS

**NOTICE OF WITHDRAWAL OF
DEFENDANT TEVA PHARMACEUTICALS USA, INC.'S
MOTION UNDER FED. R. CIV. P. 11(b) FOR SANCTIONS
AGAINST COUNSEL FOR PLAINTIFF MERCK & CO., INC.**

Plaintiff Merck & Co., Inc. ("Merck") having dismissed this action on June 30, 2006, pursuant to Fed. R. Civ. P. 41(a)(1)(i) (D.I. 17), Teva Pharmaceuticals USA, Inc. ("Teva USA") hereby withdraws its motion under Fed. R. Civ. P. 11(b) for sanctions against counsel for Merck (D.I. 15).

YOUNG CONAWAY STARGATT & TAYLOR, LLP



July 5, 2006

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on July 5, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send e-mail notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on July 5, 2006, I caused a copy of the foregoing document to be served on the above-listed counsel of record by e-mail [mgraham@mnat.com] and hand delivery, and on the following non-registered participants in the manner indicated below:

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